

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---------------------------------|---|-----------------------------|
| In re Application of: |) | |
| |) | |
| Loessner et al. |) | Group Art Unit: 1651 |
| |) | |
| Application No. 10/516,507 |) | |
| |) | |
| Filing Date: December 1, 2004 |) | Examiner: Singh, Satyendrak |
| |) | |
| For: VIRULENT PHAGES TO CONTROL |) | Confirmation No. 5123 |
| LISTERIA MONOCYTOGENES IN |) | |
| FOODSTUFFS AND IN FOOD |) | |
| PROCESSING PLANTS |) | |

**SUPPLEMENTAL REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND
CHANGE OF CORRESPONDENCE ADDRESS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 23859

Sir:

This is in response to the decision on Petition to Withdraw from Record mailed February 8, 2008. The Request was not approved on the basis that Petitioner did not provide sufficient reasons for withdrawal. Thus, pursuant to 37 C.F.R. § 1.36 and MPEP 402.06, the below-signed hereby petitions to withdraw as attorney of record for applicant under 37 C.F.R. § 10.40(c)(vi). Withdrawal is requested and permissive as set forth in 37 C.F.R. § 10.40(c)(vi), because Applicants have failed to pay one or more bills rendered by the practitioner for an unreasonable period of time. Specifically, Applicants have maintained an unpaid balance of over \$40,000 for sixteen months and has failed to make a single payment in that time.

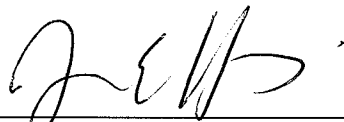
Petitioner has taken reasonable steps to avoid foreseeable prejudice to the rights of the client. Applicants were advised by letter on March 8, 2007 of our intent to withdraw and asked for instructions for where to transfer the matter. Furthermore, Applicants were advised by letter dated December 11, 2007 of the pending Office Action and reminded that we would file an

ATTORNEY DOCKET NO. 05146.0003U2
SERIAL NO. 10/516,507

Application to Withdraw and of our need for instructions for where to transfer the matter. Applicants will therefore not be prejudiced by this Request to Withdraw. They were given ample notice and time to transfer the application to new counsel, and it was only after not receiving any responses to our requests that petitioner chose to file a Request to Withdraw without instructions where to send the file. Moreover, the final deadline to respond to the pending Office Action, with payment of the appropriate fees, is April 12, 2008, which allows applicant sufficient time (>30 days) to find substitute counsel. Petitioner therefore respectfully requests grant of this Request and change of correspondence address. The present mailing address of Applicant is as follows:

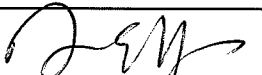
Dirk de Meester
Chief Operating Officer
EBI Food Safety B.V.
Johan van Oldenbarneveltlaan 9
2582 NE Den, Haag
The Netherlands

Respectfully submitted,
NEEDLE & ROSENBERG, P.C.



David E. Huizenga
Registration No. 49,026

NEEDLE & ROSENBERG, P.C.
Customer Number 23859
(678) 420-9300
(678) 420-9301 (fax)

| CERTIFICATE OF ELECTRONIC TRANSMISSION UNDER 37 C.F.R. § 1.8 | | | |
|---|---|------|---------|
| I hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted via electronic transmission via EFS-Web on the date indicated below. | | | |
| Name of Person Signing | David E. Huizenga | | |
| Signature |  | Date | 2/18/08 |